MAR 1 5 1956

IN THE

Supreme Court of the United States

October Term, 1955

No. 767

ANDREW J. EASTER

Petitioner

vs.

DWIGHT D. EISENHOWER,
President of the United States

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT WITH SUPPORTING BRIEF

ANDREW J. EASTER
IN Proper Person
2801 Adams Mill Road
Washington, D. C.

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In The

Supreme Court of the United States

October Term, 1955

No.

Andrew J. Easter

Petitioner

vs.

Dwight D. Eisenhower,
President of the United States

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

To the Honorable Chief Justice, and the Associate Justices of the Supreme Court of the United States

The petitioner, and the appellant below, prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia Circuit entered in the above cause on December 16, 1955. (R. App. 10)

OPINIONS BELOW

The United States District Court for the District of Columbia did not render an opinion in this cause, but by

an order of August 12, 1955, (R. 10) dismissed the cause. The United States Court of Appeals for the District of Columbia Circuit did not render an opinion, but by order of December 16, 1955, (R. App. 10) dismissed the appeal.

JURISDICTION

The judgment of the United States Court of Appeals for the District of Columbia Circuit was entered on December 16, 1955, (R. App. 10). The jurisdiction of this Court is invoked under Section 240(a) of the Judicial Code as amended by the Act of February 13, 1925.

QUESTIONS PRESENTED

The question is whether the procedure used to dismiss this cause was lawful, that is, whether when a complaint is filed against an official of the United States Government who would normally be represented by the United States Attorney, the said United States Attorney can have himself appointed amicus curiae, and upon his appointment move for the dismissal of the complaint and secure such a dismissal, all such procedure being without notice to the plaintiff, in his absence, and without his knowledge or consent, and without any record of such procedure being made or kept by an official court reporter, assuming the compliant may have been defective, but could have been made legally sufficient to maintain an action by amendment.

STATUTES AND LAW INVOLVED

The pertinent statutes are hereinafter discussed in the argument, and are also set out fully in the Appendix to this argument and brief.

STATEMENT OF FACTS

On August 11, 1955, the petitioner filed in the United States District Court for the District of Columbia a complaint designated as Petition for Redress. (R. 1) On August 12, 1955, the United States Attorney, Leo A. Rover, petitioned the Court to grant him leave to appear in this cause as amicus curiae and also asked that the complaint be dismissed and process quashed (R. 7) On that same day, August 12, 1955, the Court signed an order granting the petition of Leo A. Rover to appear as amicus curiae and ordering the process in this case returned by the United States Marshal pending instructions from the Court. (R. 9) On that same day, August 12, 1955, and same occasion, the United States District Court for the District of Columbia ordered that the complaint in this case be dismissed. (R. 10) This same order states that this action is taken on the Court's own initiative, but in the first sentence of the same paragraph of this order appears the statement that the action is based on the suggestion of Leo A. Rover, United States Attorney, having been granted the right to appear as amicus curiae. (R. 10) This order contains a certificate of service showing a copy of the same was mailed to Andrew J. Easter, the petitioner. This was the only notice that the petitioner ever received that any action was being taken on the complaint he had filed on the previous day.

SPECIFICATIONS OF THE ERRORS TO BE URGED

That the United States Court of Appeals for the District of Columbia Circuit erred by dismissing the petitioner's appeal and thereby sanctioning the procedure used by the United States District Court in dismissing the petitioner's complaint without notice to the petitioner of a hearing and on the mere suggestion of the United

States Attorney, who had been allowed to enter the case as amicus curiae for the sole purpose of urging the dismissal of the complaint, with no record being made of the proceedings by an official court reporter. The Court was further in error in allowing the United States Attorney to enter an appearance as amicus curiae in that Court and then dismissing the cause on the amicus curiae's suggestion. (R. 10) The Court was further in error for the reason that the petitioner's complaint was sufficient in law.

REASONS FOR GRANTING THE WRIT

The petitioner asserts that a writ of certiorari should be granted in this cause under subdivision 5 of Rules 38 of this Honorable Court because the United States Court of Appeals for the District of Columbia Circuit has signed an order dismissing the petitioner's appeal, thereby sanctioning a procedure used by the United States District Court for the District of Columbia as heretofore described, which departs from the accepted and usual course of judicial proceedings, and has itself departed from the accepted and usual course of judicial proceedings in that it too allowed the United States Attorney to be appointed amicus curiae and on his suggestion dismissed the petitioner's appeal, and that this sanctioning and departure went so far as to call for an exercise of this Court's power of supervision.

In addition, the United States Court of Appeals, District of Columbia Circuit, in sanctioning the procedure of the United States District Court for the District of Columbia, and in using that procedure itself in dismissing the appeal, has departed from the law as set forth in Clark v. Sandusky, 205 F. 2d 915, decided by the United States Court of Appeals for the Seventh Circuit.

ARGUMENT AND BRIEF

In the case of Clark v. Sandusky, 205 F 2d 915 at 917 we find this language:

> "Petitioner's contention that she should have been permitted to intervene as amicus curiae is, we think, without merit. Her petition is addressed solely to a request for leave to participate as a party, not for leave to appear in an amicus capacity. An amicus curiae is not a party to an action, but merely a friend of the court whose sole function is to advise or make suggestions to the Court."

That an amicus curiae cannot be or represent a party, see also Klein v. Liss, D. C. Mun. App. 43, A 2d 757; and Givens v. Goldstein D. C. Mun. App. 52 A 2d 725, 726.

The foregoing proposition is, of course, elementary, but it would appear just as obvious that the United States Attorney in the instant case did secure the right to appear as amicus curiae when in truth and in fact the United States Attorney was really representing the defendant. For the United States Attorney to deny this would be an admission of dereliction of his statutory duty, because Title 28, U.S.C.A. Section 501, provides;

> "The President shall appoint, by and with the advice and consent of the Senate, a United States Attorney for each judicial district."

Title 28, U.S.C.A. Section 502 provides:

> "The Attorney General may appoint one or more Assistant United States Attorneys in any district when the public interest so requires."

Title 28, U.S.C.A. Sec. 507 provides in part that the United States Attorney shall:

> ". . . . (2) Prosecute and defend for the government all civil actions, suits or proceedings in which the United States is concerned."

From this one could only conclude that the United States Attorney, or his assistant, appeared in the instant case in the sole interest of the defendant, and not as a friend of the Court.

The whole procedure used to dismiss this action was most irregular to use the most charitable term. The records shows that on the day after the complaint was filed three entries were made on the docket. A petition praying that Leo A. Rover, United States Attorney for the District of Columbia be granted the right to appear, and also that the complaint be dismissed, was filed. On the same day an Order was signed allowing Leo A. Rover, United States Attorney for the District of Columbia, to appear as amicus curiae, and also on the same day a second order was filed granting the prayer in the United States Attorney's petition that the complaint be dismissed (R. 10). This order stated first that the dismissal was on the suggestion of the United States Attorney, but there also appeared the statement that the dismissal was made on the Court's own initiative. The certificate of service on these pleadings show that copies of the same were mailed to the plaintiff on the 12th day of August 1955, or the day after the complaint was filed.

Another salient fact about this procedure is that everything took place without one word being placed on record by an official court reporter, hence a transcript as to what took place cannot be obtained.

From the facts above the appellant respectfully asks this Honorable Court to observe these conclusions:

A. The petition of the United States Attorney was acted upon the same day it was presented. This is contrary to all procedure in the United States District Court where motions take their turn on the motions assignment calendar.

B. The above referred to petition was acted upon the same day it was mailed to the appellant, which, of course, barred him from being present on the presentation of the motion or petition. It is respectfully submitted that this violated Rule 6(d) of the Federal Rules of Civil Procedure, which provides:

> "A written motion, other than one which may be heard ex parte and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the Court."

C. While the order dismissing the case attempts to make it appear that the court acted on its own initiative, the whole record makes it obvious that the action was taken as a result of the concerted efforts of the United States Attorney, or his assistants, and the order of dismissal even states that the action is taken on the suggestion of the United States Attorney. (R. 10)

D. That these proceedings, whereby the complaint was ultimately dismissed, should have been reported, so that a transcript of what took place is made clear by Title 28, U.S.C.A. 753 (b), which provides in part:

> "One of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges, and shall record verbatim by shorthand or by mechanical means: * * * (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; * * *"

For the above reasons the appellant respectfully urges that it was error for such procedure to be used.

This error was, of course, prejudicial to the appellant because even if it be assumed that the complaint was fatally defective, it cannot be determined that it was incapable of being cured by amendment. The statement

in paragraph three of the petition of the United States Attorney, "That the District Court does not have jurisdiction of a suit involving the President of the United States is erroneous. (Youngstown Sheet and Tube Co. v. Sawyer, 343 U. S. 579) Moreover, the appellant could conceivably name other agencies of the Executive Branch of the Government in the myriad of allegations made. That he should have been given an opportunity to be heard on this subject is made clear by Rule 15 (a) and 15(b) of the Federal Rules of Civil Procedure. Rule 15(a) provides in part:

> "* * * otherwise a party may amend his pleading only by leave of Court or by written consent of the adverse party; and leave shall be freely given when Justice so requires."

Rule 15 (b) provides in part:

> "* * * If evidence is objected to at the trial on the grounds that it is not within the issues made by the pleadings, the Court may allow the pleading to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the Court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits. The Court may grant a continuance to enable the objecting party to meet such evidence."

This rule is cited primarily to show that while every effort should have been made to allow the plaintiff to get his pleadings in order, he was denied even an opportunity to be heard on the subject.

The only case cited by the United States Attorney in his points and authorities in support of the petition or motion was the case of Allen v. U. S. et. al. 81 U. S. App. D. C. 53. That case has no bearing on the instant action for the reason that in the Allen Case the appellant was given an opportunity to be heard on a motion to dismiss

his complaint, and he was provided with the very privilege that this appellant was denied.

That the complaint was sufficient in law is a question that would have to be presented to this Court only if this writ is granted for the reason that the question was never considered by the District Court or trial court except in an ex parte manner, and there is therefore nothing in the record to submit to this Court on this question in asking that the writ be granted.

CONCLUSION

The petitioner respectfully submits that he has heretofore demonstrated to this Honorable Court that the United States Court of Appeals for the District of Columbia Circuit erred when it dismissed the petitioner's appeal from the United States District Court for the District of Columbia by having demonstrated that the said Court of Appeals sanctioned a most irregular procedure used by the District Court in dismissing the petitioner's case by summarily taking action on the complaint without any notice to the petitioner, in his absence, and without a record being made of the proceedings by an official court reporter, thereby denying the petitioner an opportunity to show to that court why his complaint was either sufficient in its present form or if defective to ask to file an amended complaint that would be sufficient. In conclusion, the petitioner submits that by granting the writ the petitioner will be able to show to this court why the complaint was legally sufficient.

Andrew J. Easter
In Proper Person
2801 Adams Mill Road, N. W.
Washington, D. C.

APPENDIX

Statutes Involved in Argument

Sections are numbered as in U.S.C.A.

Title 28, U.S.C.A., Federal Rules of Civil Procedure, Rule 15 (a)

> "* * * otherwise a party may amend his pleading only by leave of Court or by written consent of the adverse party; and leave shall be freely given when Justice so requires."

Title 28, U.S.C.A., Federal Rules of Civil Procedure, Rule 15 (b)

> "* * * If evidence is objected to at the trial on the grounds that it is not within the issues made by the pleadings, the Court may allow the pleading to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the Court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits. The Court may grant a continuance to enable the objecting party to meet such evidence."

Title 28, U.S.C.A., Judiciary and Judicial Procedure, Section 501

> "The President shall appoint, by and with the advice and consent of the Senate, a United States Attorney for each judicial district.

Title 28, U.S.C.A., Judiciary and Judicial Procedure, Section 502

> "The Attorney General may appoint one or more assistant United States Attorneys in any district when the public interest so requires."

Title 28, U.S.C.A., Judiciary and Judicial Procedure, Section 507 (2).

"Prosecute or defend, for the government, all civil actions, suits or proceedings in which the United States is concerned; * * *"

Title 28, U.S.C.A., Judiciary and Judicial Procedure, Section 753 (b)

"(b) One of the reporters appointed for such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges and shall record verbatim by shorthand or by mechanical means, * * * (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; * * *."

Title 28, U.S.C.A., Federal Rules of Civil Procedure, Rule 6 (d)

"A written motion, other than one which may be heard ex parte and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the Court."

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

Filed Dec 16 1955 Joseph W. Stewart, Clerk

No. 12,920 October Term, 1955

Andrew J. Easter,

Appellant,

v.

Dwight D. Eisenhower,
President of the United States of America,

Appellee.

Before: Edgerton, Chief Judge, and Fahy and Bastian, Circuit Judges.

Order

Upon consideration of the motion of the United States Attorney for the District of Columbia for leave to appear as amicus curiae in the above case, and of the motion of the United States Attorney to dismiss this appeal, and of appellant's objections to each of said motions, it is

ORDERED by the Court that the motion of the United States Atttorney for the District of Columbia to appear as amicus curiae be, and it is hereby, granted.

It is FURTHER ORDERED by the Court that this appeal be, and it is hereby, dismissed.

Per Curiam.

Dated: December 16 1955

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In the Supreme Court of the United States

OCTOBER TERM, 1955

No. 767

ANDREW J. EASTER, PETITIONER

v.

DWIGHT D. EISENHOWER, PRESIDENT OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR THE ATTORNEY GENERAL AS AMICUS CURIAE IN OPPOSITION

OPINIONS BELOW

The order of the District Court dismissing petitioner's complaint (R. 8) is not reported. The order of the Court of Appeals dismissing petitioner's appeal (R. 10) is also unreported.

JURISDICTION

The judgment of the Court of Appeals was entered on December 16, 1955 (R. 10). By order of

the Chief Justice dated March 13, 1956, the time for filing a petition for certiorari was extended to and including April 15, 1956. The petition for a writ of certiorari was filed on March 16, 1956. The jurisdiction of this Court is invoked under 28 U. S. C. 1254(1).

QUESTION PRESENTED

Whether the District Court erred in dismissing on its own motion petitioner's complaint against the President, where the court was patently without jurisdiction and the complaint was clearly in violation of Rules 8(a) and 12(f) of the Federal Rules of Civil Procedure.

FEDERAL RULES INVOLVED

Rule 8(a) of the Federal Rules of Civil Procedure provides as follows:

> *Claims for Relief.* A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

Rule 12(f) of the Federal Rules of Civil Procedure provides as follows:

> *Motion to Strike.* Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon him or upon the court's own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

STATEMENT

Petitioner filed a complaint in the District Court for the District of Columbia, which he termed a "Petition for Redress," on August 11, 1955. That complaint, which we have reprinted in full in the Appendix, *infra*, pp. 9-15, purported to state a claim against Dwight D. Eisenhower in his official capacity as President of the United States. In the complaint, it was alleged that "on various and divers occasions the Respondent as President of the United States has advocated, encouraged, condoned and approved the action of his Secretary of the Treasury in asking and securing from the Congress of the United States, an illegal act, which has permitted the United States Government to become further indebted, although in fact, the Government of the said United States is a Government of the People, by the People and for the People, the Petitioner being one of the People. Such actions on the part of the Respondent are contrary

to his pre-election promises—resulting in the United States Government now becoming indebted in the sum of 281 billion dollars, which is six billion dollars in excess of the legally established debt ceiling."

It was further alleged that the Government of the United States is imperiled by the threat of economic disaster and that therefore the economy and security of the citizens, including petitioner, is likewise imperiled; that the unlawful precedent for increasing the debt limit will become uncontrollable; that the procedure needlessly encumbers the assets of the Government of the United States and is used by respondent to create and has created a spendthrift program which deludes the citizens of the United States into believing they are enjoying the greatest era of prosperity in the history of our Nation; and that respondent has given tax relief to a few which is unjust to the many and that he has approved a raid on the Treasury—in that the salaries and expense accounts of the Members of Congress have been unjustifiably increased (App. 10-11).

Petitioner further alleged that he invited the respondent, when President-Elect, through Sherman Adams, to submit a progressive and economical suggestion for a Merchant Naval Vessel, applicable to atomic or other propulsion, to the Navy Department; that petitioner has submitted his plan to the Navy Department and that it has been returned to him; and that respondent has neglected to utilize the enormous savings obtainable and thus

eliminate waste and reduce the Government debt (App. 11-12).

It was further alleged that the respondent has associated himself with officials discarded by the People, and others who use fascistic and arbitrary procedures; that Philip Young has established one standard of requirements for the United States Government employees in the higher positions and another and more difficult standard for applicants; that the respondent has failed to eliminate graft, incompetence, waste, over-staffed departments; subsidization of private businesses, and the employment of retired military and other officials by public and private businesses doing business with the Government, in spite of his pre-election statements, promises and platform; and that the respondent has advocated taxation without representation (App. 12-14).

Among other forms of relief sought, petitioner asked the court to "impel the Respondent to provide means for enforcing de-segregation forthwith;" to enjoin the President "from the activities herein set forth the advocating, encouraging and condoning the securing from Congress laws which permit the United States Government to become further indebted;" to order the President to make "an unbiased review of the Petitioner's progressive and economical Merchant Naval Vessel" which is allegedly more efficient than vessels in current use; to "review the unlawful action of Philip Young in closing the Petitioner's [Civil Service] Appeal;" to require the President "to eliminate

graft, incompetence, waste, overstaffed administrative officials and personnel of the various departments of the government, subsidizing of private businesses;" and to force the President "to mandate that all citizens deprived of the right to vote be given their right to vote." (App. 14-15).

Upon learning of the filing of this complaint, and before service was made on the President, the United States Attorney applied to the District Court for leave to appear as *amicus curiae,* and suggested that it would be appropriate to dismiss the complaint and to quash the service on the President (R. 6). The District Court, by order dated August 12, 1955, granted leave to the United States Attorney to appear as *amicus curiae* and instructed the marshal to retain the process in this case pending further instructions (R. 7). By a second order, dated the same day, the court "upon the suggestion of Leo A. Rover, United States Attorney for the District of Columbia, having been granted the right to appear in this case as *amicus curiae,*" but acting "of its own initiative," dismissed the complaint "insofar as it attempts to make the Honorable Dwight D. Eisenhower, President of the United States, a party defendant" (R. 8). On appeal from that dismissal, the Court of Appeals, *per curiam,* granted leave to the United States Attorney for the District of Columbia to appear as amicus curiae and dismissed the appeal. (R. 10).[1]

---

[1] The ground for the dismissal of the appeal was not stated by the court, but the action was taken in response to a suggestion by the United States Attorney that the appeal should be dismissed as frivolous and patently insubstantial.

ARGUMENT

1. Under Rule 12(f) of the Federal Rules of Civil Procedure, *supra*, p. 3, the District Court retains its traditional power to strike improper pleadings filed in the courts in order to preserve the dignity of the federal judiciary and the correctness and propriety of federal judicial proceedings. That power has been generally understood to include the ability to strike a complaint which is patently without basis in law, which violates the rules of the court, or which insults the intelligence of the court. Cf. *Renshaw* v. *Renshaw*, 153 F. 2d 310 (C. A. D. C.); *Buckley* v. *Altheimer*, 2 FRD 285 (N. D. Ill.); *Green Bay Auto Distributors, Inc.* v. *Willys-Overland Motors, Inc.*, 11 FRD 549 (N. D. Ohio). We submit that there has been no abuse of discretion in this case and that the District Court was clearly within its right in dismissing the action on its own motion. The complaint fails utterly to conform to the requirements of Rule 8(a) of the Federal Rules (*supra*, p. 2), contains conclusions which are plainly improper in a pleading (such as "fascistic"), and relates entirely to non-justiciable political questions, particularly in attempting to deprive the President of his constitutional discretion in administering the laws.[2]

2. Moreover, it has long been held that the District Court lacks jurisdiction of an action of this

[2] Petitioner complains that he was not heard in the District Court in support of his complaint, but he did not avail himself of the opportunity to make his arguments known by a motion for reconsideration, and even now he does not assert that the complaint is a good one which should not have been dismissed.

type brought against the President himself. Cf. *Mississippi* v. *Johnson*, 4 Wall. 475; *Allen* v. *Truman*, 154 F. 2d 329 (C. A. D. C.); and a series of unreported cases in the District Court for the District of Columbia brought against Presidents Roosevelt, Truman, and Eisenhower.

CONCLUSION

It is respectfully submitted that the petition for a writ of certiorari should be denied.

SIMON E. SOBELOFF,
Solicitor General.
WARREN E. BURGER,
Assistant Attorney General.
MELVIN RICHTER,
RICHARD M. MARKUS,
Attorneys.

APRIL, 1956.

APPENDIX

PETITION FOR REDRESS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Years ago our forefathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Your Petitioner a descendant of our forefathers, respectfully represents unto the Court:

1. That the Court has jurisdiction by virtue of its authority for redress of grievances.

2. That the Petitioner is a citizen of the United States of America and of the Sovereign State of Maryland, a resident of Baltimore City, and temporarily residing in the City of Washington, District of Columbia.

3. That the Respondent is the President of the United States of America and is sued in that capacity.

4. That the Respondent as President of the United States of America is responsible for the official actions of the members of his cabinet and staff.

5. That on various and divers occasions the Respondent as President of the United States has advocated, encouraged, condoned and approved the action of his Secretary of the Treasury in asking and securing from the Congress of the United States, an illegal act, which has permitted the United States Government to become further indebted, although in fact, the Government of the

said United States is a Government of the People, by the People and for the People, the Petitioner being one of the People. Such actions on the part of the Respondent are contrary to his pre-election promises—resulting in the United States Government now becoming indebted in the sum of 281 billion dollars, which is six billion dollars in excess of the legally established debt ceiling.

6. That the Respondent by his aforesaid actions has established the procedure by which there is no actual debt ceiling or limit of the lawful established debt of the United States Government, because the law as re-enacted has increased and has permitted, increasing the maximum debt periodically.

7. By the actions of the Respondent as hereinabove set forth, the Government of the United States is imperiled by the threat of economic disaster and therefore the economy and security of the Citizens of the United States, of which the Petitioner is one, is likewise imperiled.

8. That by the Respondent's actions as herein stated, a policy now exists that has set an unlawful precedent for increasing the debt limit and continued deficit financing as a matter of course, which is unlawful and will become uncontrollable, to the great detriment of the People of the United States of America.

9. That such procedure needlessly encumbers the assets of the Government of the United States and the assets of the People and is used by the Respondent to create and has created a spendthrift program which is being used to delude the Citizens

of the United States into believing that they, as the People, are enjoying the greatest era of prosperity in the history of our Nation when in reality and in fact the People of our Nation are burdened with the Government debt and are burdening themselves with an extended credit, pictured to them as the harvest of the inflated debt of our Government, which must be paid by the People to avoid national bankruptcy.

10. That the Respondent by his actions has given tax relief to a few that is unjust to many, also he has approved a raid on the Treasury—in that the salaries and expense accounts of the Members of Congress have been unjustifiably increased, in spite of the existing, dire need for public schools, health and general welfare.

11. That the Petitioner was invited by the Respondent, when President Elect, through his then and now Assistant, Sherman Adams, to submit a progressive and economical suggestion for a Merchant Naval Vessel, applicable to atomic or other propulsion, to the Navy Department, after his Administration had taken office, and said: "At that time it will be possible to give it the thorough study which it appears to deserve." Since he has taken office, the Petitioner submitted the above suggestion to the Navy Department, and upon return of the said suggestion, the Petitioner also submitted the same to the following departments: Program and Planning Office of the Maritime Commission, the Respondent's Office, Secretary of Defense, Chief of Naval Operations, Joint Chiefs

of Staff, House Military Affairs Committee, Committee on Merchant Marine and Fisheries (for the Respondent's Atoms-for-Peace Ship), National Security Council, and several Senators and Congressmen. The above mentioned suggestion, submitted to the said various departments, has been returned to the Petitioner by the Navy Department in spite of the multi-purpose and efficient auxiliary facilities provided in the Petitioner's self protected Merchant Naval Vessel, which will carry 100% of the cargo required, whereas the Navy Department's present deficient so called single purpose auxiliaries must be assisted by at least two additional vessels to meet the requirements of the Petitioner's Merchant Naval Vessel and the potential use of the Petitioner's suggestion for future national and international security without cost of operation during peace time. The Respondent as President of the United States and as Commander-In-Chief of the Military Forces of the United States neglected to utilize the enormous savings obtainable, and thus eliminate waste and reduce the Government Debt.

12. That the Respondent has associated himself with officials—discarded by the People, and others who use fascistic and arbitrary procedures, Philip Young, his present advisor on personnel management, in an unlawful and unjust manner and without authority or color of authority closed the appeal to the Respondent by the Petitioner as to the Civil Service Commission unlawfully establishing one standard of requirements for the United States

Government Employees in the higher positions, and another and more difficult standard of requirements requisite for applicants to qualify for United States Government positions, although the qualifications by training and experience of the applicants were at least similar.

13. That the Respondent by his failure and with his authority as President of the United States of America and as Commander In Chief of the Military Forces of the United States has failed to eliminate graft, incompetence, waste, overstaffed administrative officials and personnel of the various departments, subsidizing of private businesses and other irregularities and inequities known to the Respondent, including Government personnel building homes and operating private businesses from Government offices and that Government property was just for the taking, and the employment of retired military and other officials by public and private businesses doing business with the Government, that existed during the previous Administration, the Respondent has tolerated the continuous of the above, in spite of his pre-election statements, promises and platform.

14. That the Respondent in advocating that all People should have a right to self government has condoned the practice of taxation without representation. Producing, consuming citizens whose right to vote regardless of race, creed or color is denied them although inequitable taxes are assessed against them and a part of their earnings are withheld from them regardless of some of the gra-

tuitous services rendered to them by the Government. That corrective means should be enforced to remedy the inequitous, arbitrary actions against the harassed citizens by officials and personnel of the various administrative departments for the good of the country and world affairs.

15. The Petitioner gives credit to the Respondent for the declaration during his Administration that segregation is unconstitutional, therefore it is also hereby petitioned the Court impel the Respondent to provide means for enforcing desegregration forthwith.

And other causes to be heard and presented.

THEREFORE, the Petitioner respectfully prays that the Respondent, Dwight D. Eisenhower, President of the United States of America: a. be restrained from the activities herein set forth the advocating, encouraging and condoning the securing from Congress laws which permit the United States Government to become further indebted and to impel the Respondent to mandate an orderly graduated reduction and/or eventual liquidation of the Government Debt.

b. be impelled by the Court to perform his official duties as President of the United States and as Commander in Chief of the Military Forces to mandate for an unbiased review of the Petitioner's progressive and economical Merchant Naval Vessel which eliminates existing waste through contributing toward a reduction of the Government Debt.

c. that the Court review the unlawful action of Philip Young in closing the Petitioner's Appeal,

which deprived the Petitioner of his right to have the Respondent's ruling on the inequalities for the standard of requirements for government employees in higher positions and applicants for government positions.

d. be impelled to eliminate graft, incompetence, waste, over staffed administrative officials and personnel of the various departments of the government, subsidizing of private businesses and to correct the other inequities therein.

e. that the Respondent be impelled to mandate that all citizens deprived of the right to vote be given their right to vote, with the same rights and privileges as other citizens, that corrective means be enforced to alleviate the arbitrary acts against the harassed citizens.

f. that de-segregation be enforced forthwith.

As is duty bound, etc.

(S.) ANDREW J. EASTER,
Petitioner, in Proper Person,
2801 Adams Mill Road, N. W.,
Washington 9, D. C.

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